



mk

0360 #11

Kreisler 1092-KGB  
001394us/JH/be

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : GERD HOBOM ET AL.  
SERIAL NO. : 09/909,238  
FILED : July 19, 2001  
FOR : RECOMBINANT INFLUENZA VIRUSES WITH BICISTRONIC  
vRNAs CODING FOR TWO GENES IN TANDEM  
ARRANGEMENT  
ART UNIT : 1614  
EXAMINER : TO BE ASSIGNED

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June 19, 2002

Hon. Commissioner of Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE REGARDING  
THE SEQUENCE LISTING**

SIR:

In response to the above-identified notice, a copy of which is attached, please amend the  
above-identified application as follows:

IN THE SEQUENCE LISTING:

Replace page 2 of the paper Sequence Listing by the attached replacement page 2.

REMARKS

The above-identified notice indicated a defect in the Location Feature of SEQ ID NO.: 7, and required that Applicants submit:

- 1) A substitute paper copy of the Sequence Listing;
- 2) A substitute computer readable form (CRF) copy of the paper Sequence Listing; and
- 3) A statement that the content of the paper Sequence Listing and the computer readable copies are the same and include no new matter.

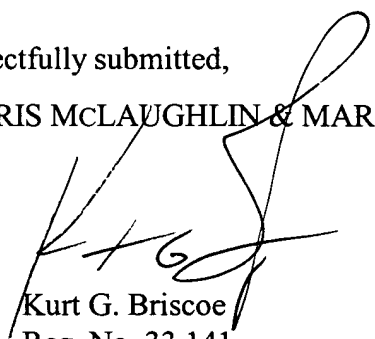
In response, there is attached a substitute paper copy of the Sequence Listing, which is in the form of replacement page 2 of the Sequence Listing, and contains the correction in the Location Feature of SEQ ID NO.: 7. The undersigned hereby certifies that the substitute paper copy of the Sequence Listing, and, specifically, replacement page 2 does not introduce new matter.

There is also attached a substitute computer readable form copy of the substitute paper Sequence Listing. The undersigned hereby certifies that the content of the substitute paper Sequence Listing and the substitute computer readable form copy is the same and includes no new matter.

Early and favorable action is earnestly solicited.

Respectfully submitted,  
NORRIS McLAUGHLIN & MARCUS, P.A.

By



Kurt G. Briscoe  
Reg. No. 33,141

220 East 42<sup>nd</sup> Street - 30<sup>th</sup> Floor  
New York, New York 10017  
Phone: (212) 808-0700  
Fax: (212) 808-0844

CERTIFICATE OF MAILING

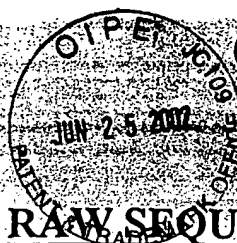
I hereby certify that the foregoing Response to Notice and accompanying Copy of the Notice, Substitute Paper Sequence Listing (1 page) and Computer Diskette are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner of Patents, Washington, D.C. 20231, on the date indicated below:

Date: June 19, 2002

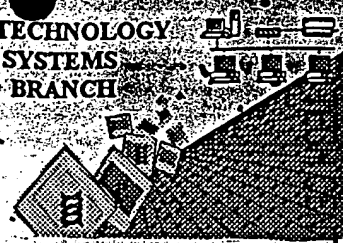
By



Kurt G. Briscoe



BIOTECHNOLOGY  
SYSTEMS  
BRANCH



MAR 19 2002

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## RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/909,238A  
Source: 1600  
Date Processed by STIC: 2-28-2002

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: [patin3help@uspto.gov](mailto:patin3help@uspto.gov) or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER  
VERSION 3.1 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND  
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<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

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2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:  
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202  
Or  
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002



RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/909,238A

DATE: 03/12/2002  
TIME: 11:52:11

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Output Set: N:\CRF3\03122002\I909238A.raw

**Does Not Comply  
Corrected Diskette Needed**

3 <110> APPLICANT: Gerd HOBOM  
4 Anette MENKE  
5 Sabine MEYER-ROGGE  
7 <120> TITLE OF INVENTION: Recombinant Influenza Viruses with Bicistronic vRNAs Coding  
for Two Genes  
8 in  
9 Tandem Arrangement  
11 <130> FILE REFERENCE: 001394us/JH/ml  
13 <140> CURRENT APPLICATION NUMBER: US/09/909,238A  
14 <141> CURRENT FILING DATE: 2001-07-19  
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## RAW SEQUENCE LISTING

DATE: 03/12/2002

PATENT APPLICATION: US/09/909,238A

TIME: 11:52:11

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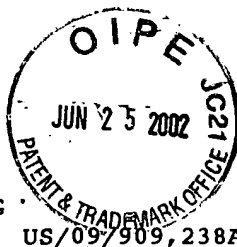
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*range should include all 'n'*

*All 'n' must be included in the feature explanation.*



RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/909,238A

DATE: 03/12/2002  
TIME: 11:52:11

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## RAW SEQUENCE LISTING

DATE: 03/12/2002

PATENT APPLICATION: US/09/909,238A

TIME: 11:52:11

Input Set : A:\PTO\_MS.txt

Output Set: N:\CRF3\03122002\I909238A.raw

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## RAW SEQUENCE LISTING

DATE: 03/12/2002

PATENT APPLICATION: US/09/909,238A

TIME: 11:52:11

Input Set : A:\PTO\_MS.txt

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## VERIFICATION SUMMARY.

PATENT APPLICATION: US/09/909,238A

DATE: 03/12/2002

TIME: 11:52:12

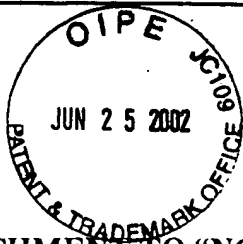
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UNITED STATES PATENT AND TRADEMARK OFFICE



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**ATTACHMENT TO "NOTICE TO COMPLY WITH  
REQUIREMENTS...SEQUENCE DISCLOSURES"**

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be submitted using one of the following methods:

1. Electronically submitted through EFS-Bio  
(<http://www.uspto.gov/ebs/efs/downloads/documents.htm>, EFS Submission User Manual - ePAVE)
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U.S. Patent and Trademark Office  
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3. Mailed by Federal Express, United Parcel Service or other delivery service to:  
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4. Hand Carried directly to the Customer Window at:  
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Arlington, Virginia 22202